

## REMARKS

In the Official Action mailed on **January 12, 2005**, the Examiner reviewed claims 1-5, 7-16, 18-27, and 29-33. Claims 1-5, 7-16, 18-27, and 29-33 were rejected under 35 U.S.C. §102(b) as being anticipated by Frey, Jr. et al (USPN 5,201,044, hereinafter "Frey").

### Rejections under 35 U.S.C. §102(b)

Claims 1-5, 7-16, 18-27, and 29-33 were rejected as being anticipated by Frey. Applicant respectfully points out that Frey teaches each node **maintaining its own independent log file** (see Frey, col. 4, lines 39-41, col. 5, lines 13-19, and col. 5, lines 53-63).

In contrast, the present invention locates the log file on a **secondary server that is separate from the primary server** (see FIG. 1 and page 6, line 25 to page 7, line 2 of the instant application). This is beneficial because it facilitates failovers from the primary server to the secondary server when the primary server fails. In the system of Frey, the data stored in the log file on the failed server is not available after the failure, and thus cannot partake in a failover scheme. There is nothing within Frey, either explicit or implicit, which suggests locating the log file on a secondary server that is separate from the primary server to facilitate failover to the secondary server when the primary server fails. In fact, Frey teaches away from locating the log file on a separate secondary server by having each node maintain its own independent log file (see Frey, col. 5, lines 60-63).


Accordingly, Applicant has amended independent claims 1, 12, and 23 to clarify that the present invention locates the log file on a secondary server that is separate from the primary server in order to facilitate failover to the secondary server when the primary server fails. These amendments find support in FIG. 1 and on page 6, line 25 to page 7, line 2 of the instant application. Dependent claims 6, 17, and 28 have been canceled without prejudice.

Hence, Applicant respectfully submits that independent claims 1, 12, and 23 as presently amended are in condition for allowance. Applicant also submits that claims 2-5 and 7-11, which depend upon claim 1, claims 13-16 and 18-22, which depend upon claim 12, and claims 24-27 and 29-33, which depend upon claim 23, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

**CONCLUSION**

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By   
Edward J. Grundler  
Registration No. 47,615

Date: February 7, 2005

Edward J. Grundler  
PARK, VAUGHAN & FLEMING LLP  
2820 Fifth Street  
Davis, CA 95616-2914  
Tel: (530) 759-1663  
FAX: (530) 759-1665